

REMARKS

Currently, claims 1, 3-7, and 9-33 remain pending in the present application, including independent claim 1. In the Office Action, a species election was required. However, Applicants respectfully traverse.

The first required species election (I), as defined by the Office Action, requires election between an article having flaps in a folded configuration and an article having flaps in an unfolded configuration. However, Applicants point out that all of the pending claims require that the article have flaps in a folded state. For example, independent claim 1 requires that the absorbent structure comprises a pair of opposing lateral flaps connected to the middle portion and folded at least onto the middle portion of the absorbent structure.

Independent claim 1, like dependent claims 17-20, simply refers to the flaps in an unfolded state to further define the structure of the flaps, as well as the overall absorbent article. For instance, independent claim 1 requires that each of the flaps, when in an unfolded state, extend beyond the outermost lateral periphery of the front portion. Similarly, dependent claims 17-20 refer to the flaps in an unfolded state to further define the flaps. As such, Applicants elect the article species having flaps in a folded configuration, which corresponds to all of the pending claims. Thus, the first species election (I) is satisfied by this election, even though no claims have been withdrawn, contrary to the listing of claims in the Office Action.

The remaining species elections (II, III, and IV) of the Office Action requires election if the applicants elects the unfolded configuration from the first species election (I). However, Applicants have not elected an unfolded configuration, as explained above, since no claims are directed to an unfolded configuration. Thus, according to the Office Action, no remaining species election remains. However, in order to facilitate examination of the dependent claims, Applicants will address each of the remaining species elections in accordance with the apparent intent of the Office Action.

The second species election (II) requires an election between an absorbent structure having a uniform or non-uniform basis weight. The Office

Action points to an election between claim 15 and claims 17-20. As such, Applicants have elected the species of a uniform basis weight, such as required in claim 15. Thus, claims 17-20 have been withdrawn pursuant to the species election. However, Applicants note that independent claim 1 is generic to both species; therefore, upon allowance of the generic claim, the withdrawn claims should also be allowed.

Due to the withdrawal of claims 17-20, the remaining species elections (III and IV) are rendered moot. However, Applicants note that the third species election (III) references claims 26-28 as having a middle portion with a basis weight that is greater than the front and rear portions. These claims are directed to the basis weight of the middle portion "once each of the lateral flaps have been folded." Thus, these claims are generic to the species election (II) and could include either an absorbent structure having a uniform or non-uniform basis weight.

Applicants also point out that the claims on record have already been subject to a search by the Examiner. Thus, no additional burden is on the Examiner to search all of the species of the presently pending claims. As such, Applicants respectfully request reconsideration of the species election by the Examiner.

In summary, it is believed that the claims as currently pending patentably define over the prior art of record and are in complete condition for allowance. Should any further issues remain, however, then Examiner Hill is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'Alan R. Marshall', written over a horizontal line.

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